

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. -

: INDICTMENT

JHAMEL SEAN FRANCIS,
KENNETH FRANCIS,
CLAUDIA FRANCIS,
EBONY DENNIS,
DOMINIK RAWLE and
LENNIE A. NURSE, JR.,

:
07CRIM. 672

Defendants.

:

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COUNT ONE

The Grand Jury charges:

1. From at least in or about August 2006, up to and including April 2007, in the Southern District of New York and elsewhere, JHAMEL SEAN FRANCIS, KENNETH FRANCIS, CLAUDIA FRANCIS, EBONY DENNIS, DOMINIK RAWLE, and LENNIE A. NURSE, JR., the defendants, and others known and unknown, unlawfully, willfully, and knowingly, did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Section 1029(a)(5).

2. It was a part and an object of the conspiracy that JHAMEL SEAN FRANCIS, KENNETH FRANCIS, CLAUDIA FRANCIS, EBONY DENNIS, DOMINIK RAWLE, and LENNIE A. NURSE, JR., the defendants, and others known and unknown, unlawfully, willfully, knowingly, and with intent to defraud as part of an offense affecting interstate commerce, did effect transactions with access devices

issued to other persons, to receive payment and other things of value during a one-year period the aggregate value of which exceeded \$1,000, in violation of Title 18, United States Code, Section 1029(a)(5).

Overt Acts

3. In furtherance of the conspiracy, and to effect the unlawful object thereof, JHAMEL SEAN FRANCIS, KENNETH FRANCIS, CLAUDIA FRANCIS, EBONY DENNIS, DOMINIK RAWLE, and LENNIE A. NURSE, JR., the defendants, and others known and unknown, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a) On or about July 25, 2006, in Garden City, New York, EBONY DENNIS did return for credit to her own credit card goods in the amount of \$288.95 that had been purchased in Garden City, New York on or about July 2, 2006 using a credit card belonging to another person.

b) On or about August 2, 2006, in King of Prussia, Pennsylvania, DOMINIK RAWLE did return for cash goods in the amount of \$651.72 that had been purchased in Westbury, New York on or about July 3, 2006 using a credit card belonging to another person.

c) On or about August 12, 2006, in King of Prussia, Pennsylvania, LENNIE A. NURSE, JR. did return for credit to his own credit card goods in the amount of \$879.50 that had

been purchased in Freehold, New Jersey on or about August 5, 2006 using a credit card belonging to another person.

d) On or about August 25, 2006, in Garden City, New York, CLAUDIA FRANCIS did return for credit to her own credit card goods in the amount of \$874.43 that had been purchased in Garden City, New York on or about August 22, 2006 using a credit card belonging to another person.

e) On or about September 16, 2006, in Short Hills, New Jersey, KENNETH FRANCIS did return for credit to his own credit card goods in the amount of \$749.73 that had been purchased in White Plains, New York on or about August 22, 2006 using a credit card belonging to another person.

f) On or about September 19, 2006, in Paramus, New Jersey, JHAMAL SEAN FRANCIS did return for credit to his own credit card goods in the amount of \$322.14 that had been purchased in White Plains, New York on or about August 22, 2006 with a credit card belonging to another person.

g) On or about September 20, 2006, in New York, New York, one of the credit cards used to purchase goods that were subsequently returned for credit to the credit card of JHAMAL SEAN FRANCIS was used to purchase goods totaling \$164.77.

(Title 18, United States Code, Section 1029(b)(2).)

COUNT TWO

The Grand Jury further charges:

4. From at least in or about August 2006, up to and including April 2007, in the Southern District of New York and elsewhere, JHAMEL SEAN FRANCIS, KENNETH FRANCIS, CLAUDIA FRANCIS, EBONY DENNIS, DOMINIK RAWLE, and LENNIE A. NURSE, JR., the defendants, unlawfully, willfully, knowingly, and with intent to defraud as part of an offense affecting interstate commerce, did effect and attempt to effect transactions, with one and more access devices issued to another person and persons, to receive payment and any other thing of value during a one-year period, the aggregate value of which is equal to and greater than \$1,000, to wit, JHAMEL SEAN FRANCIS, KENNETH FRANCIS, CLAUDIA FRANCIS, EBONY DENNIS, DOMINIK RAWLE, and LENNIE A. NURSE, JR., used and caused others to use credit cards in the names of other individuals without authorization of these individuals, and purchased goods with those credit cards and received cash or credit upon return of some of those goods, the value of such goods and payments exceeding \$1,000 during a one-year period.

(Title 18, United States Code, Sections 1029(a)(5),
1029(b)(1) and 2.)

COUNT THREE

The Grand Jury further charges:

5. On or about December 12, 2006, in the Southern District of New York and elsewhere, JHAMEL SEAN FRANCIS, the

defendant, and others known and unknown, unlawfully, willfully, and knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Section 1028A(c), to wit, FRANCIS possessed, used, and transferred the name and other personal identification information of another person to commit access device fraud and to participate in a conspiracy to commit access device fraud as charged in Counts One and Two of this Indictment.

(Title 18, United States Code, Sections 1028A and 2.)

FORFEITURE ALLEGATION

6. As a result of committing one or more of the foregoing offenses alleged in Counts One and Two of this Indictment, JHAMEL SEAN FRANCIS, KENNETH FRANCIS, CLAUDIA FRANCIS, EBONY DENNIS, DOMINIK RAWLE, and LENNIE A. NURSE, JR., the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2)(B), any property constituting or derived from proceeds obtained directly or indirectly as a result of the said offenses, including but not limited to the following: at least \$100,000.00, in that such sum in aggregate is property representing the amount of proceeds obtained as a result of the said offenses charged in Counts One and Two of this Indictment, for which the defendants are jointly and severally liable.

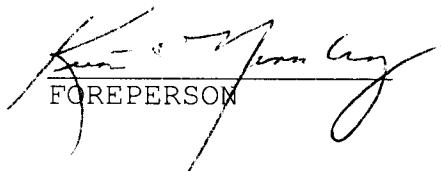
Substitute Asset Provision

7. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

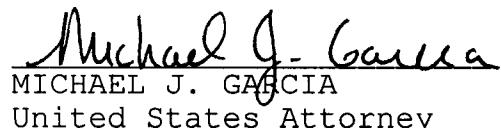
- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982 and Title 18, United States Code, Sections 2, 1028A, 1029.)



Karen J. Tammey
FOREPERSON



Michael J. Garcia
MICHAEL J. GARCIA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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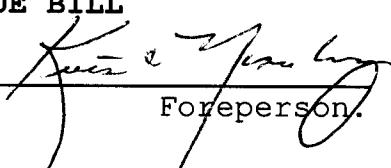
INDICTMENT

07 Cr.

(18 U.S.C. §§ 1029(a)(5),
1029(b)(1), 1029(b)(2), 1028A, and 2)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL


Foreperson.

7/23/07 Fld Intake/pt Recd 11-1-07 This case
is assigned to Judge Korn for all purposes,
Mtg Judge Polko